

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISMAEL MENDOZA RODRIGUEZ,

Defendant.

Case No. [4:15-cr-00547-JD-10](#)

**ORDER RE COMPASSIONATE
RELEASE**

Re: Dkt. No. 667

Following a conviction and sentence for one count of conspiracy to distribute, and to possess with intent to distribute, a controlled substance, and one count of possession of a firearm in furtherance of a drug trafficking crime, defendant Ismael Rodriguez has filed multiple post-sentencing motions. These motions include a motion to vacate his sentence under 28 U.S.C. § 2255, which entailed an evidentiary hearing and the entry of findings of facts and conclusions of law (Dkt. Nos. 564, 599, 645, 646); motions for appointment of counsel (Dkt. Nos. 573, 651); a motion to appoint counsel to file a request for compassionate release under 18 U.S.C. § 3582(c)(1)(A) (Dkt. No. 615); and a request for a certificate of appealability (Dkt. No. 648). Rodriguez has also pursued appeals and other relief in the Ninth Circuit. Dkt. Nos. 537, 648. The Court granted appointment of counsel for an appeal-related issue, Dkt. No. 652, but denied all substantive relief to Rodriguez, as did the Ninth Circuit, Dkt. Nos. 567, 634, 646, 650, 663.

Rodriguez has now filed a formal request for compassionate release. Dkt. No. 667. The request includes arguments that have been raised and rejected in prior motions. It also lacks any indication of good cause for early release from custody. Rodriguez indicates that his mother is still being cared for, *id.* at ECF p. 3, and he has not identified any extraordinary and compelling reasons for release. Early release is also properly denied under the factors set forth in 18 U.S.C.

1 § 3553(a). At sentencing Rodriguez did not “dispute that his crime [was] serious.” Dkt. No. 392
2 at 9; *see also* 18 U.S.C. § 3553(a)(2)(A). Release at this juncture would not “afford adequate
3 deterrence to criminal conduct” or adequately “protect the public from further crimes of the
4 defendant.” 18 U.S.C. § 3553(a)(2)(B), (C). Rodriguez’s proposal for supervised release or home
5 confinement while he is in Mexico is a non-starter. Consequently, Rodriguez’s request for
6 compassionate release is denied.

7 Going forward, Rodriguez may not file any new motions or requests without prior leave of
8 the Court. To request leave, Rodriguez may file a statement not to exceed 3 pages that explains
9 the basis of the proposed motion and how it is new and different from his prior motions. Failure
10 to follow this order will result in a summary denial of the motion.

11 **IT IS SO ORDERED.**

12 Dated: June 27, 2023

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JAMES DONATO
United States District Judge